

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/18/09

- against -

08 Cr. 384 (DAB)

ORDER

JOSEPH F. MUTO,

Defendant.

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DEBORAH A. BATTS, United States District Judge.

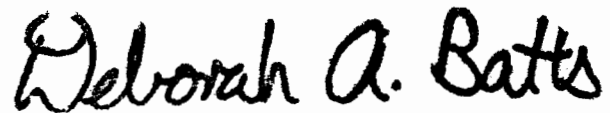
The Court is in receipt of Defendant's Notice of Appearance and request to proceed pro se, as well as Defendant's Motion for Discovery. Prior to being permitted to proceed pro se for the purpose of that motion, Defendant shall appear before a Magistrate Judge to ensure that he is knowingly and voluntarily waiving his right to counsel under Faretta v. California, 422 U.S. 806 (1975); see also Torres v. United States, 140 F.3d 392, 402 (2d Cir. 1998) (noting that a court must ensure that a "defendant has knowingly and intelligently waived her right to counsel, . . . make a defendant aware of the dangers and disadvantages of self-representation," and "inform the defendant that she will be required to follow all the ground rules of trial procedure"). Based upon the review of the record before the Magistrate Judge the Court will make its determination on the propriety of the Defendant proceeding pro se. If the Defendant proceeds pro se the Court shall appoint standby counsel.

In anticipation of the Defendant proceeding pro se, the Government shall respond to the Motion for Discovery within 20 days of the date of this Order.

The trial in this matter, currently scheduled to begin on November 17, 2009, shall go forward on that date.

SO ORDERED

DATED: New York, New York
September 18, 2009

A handwritten signature in black ink, reading "Deborah A. Batts". The signature is written in a cursive, flowing style.

DEBORAH A. BATTS
United States District Judge